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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,968	09/15/2000	Tyson Winarski, Esq.	110/103	3019

29455 7590 05/19/2004

TYSON YORK WINARSKI  
428 EAST SUSAN LANE  
TEMPE, AZ 85281

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/662,968

**Applicant(s)**

WINARSKI, ESQ. ET AL.

**Examiner**

Naresh Vig

**Art Unit**

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in reference to response received on 03 March 2004 to the office action mailed on 09 September 2003. Cancellation of claims 7 – 9 and addition of new claim 10 are acknowledged. There are 7 claims, claims 1 – 6 and 10 pending for examination.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala US Patent 6,189,246 in view of Gabbard et al. US Patent 6,205,432 hereinafter known as Gabbard, and further in view of Albert et al. US Patent 6,252,564 hereinafter known as Albert and Stone et al. US Patent 6,446,045 hereinafter known as Stone and Cummings et al. US Patent 6,345,260 hereinafter known as Cummings.

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Regarding claim 1, Gorthala discloses billboard capable of remote control operation, animation, and color accentuation. Gorthala states “electronic billboards with remote operation capability are becoming popular now.” [col. 1, lines 20 – 21].

Gorthala discloses that a personal computer (billboard computer) can be used to draw the three-dimensional image that needs to be displayed on the billboard (i.e. billboard has a display). The dimensions (or coordinates) of each pixel (for each rod) will be known from the three-dimensional drawing. If the computer is equipped with an I/O (Input/Output) control, appropriate control signals can be generated by the computer and input to the actuators. This method can be used not only for changing the billboard display as frequently as possible, but also for display animation. Remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking [col. 4, lines 5 – 23].

Gorthala does not disclose antenna. Official notice it taken that it have been obvious to one of ordinary skill in the art at the time the invention was made that for wireless communication requires antenna, satellite dish etc. to enable communication for data transfer. For example, cell phones have antenna, satellite communication uses a satellite dish as an antenna which is pointed towards the satellite to receive signals, VSAT is a known technology used by business for transmission of data between central site and remote sites, DirecPC (available for public use) enabled for transmitting from the server to the requester. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that to implement a wireless connectivity between the remote site (billboard) and central site (control center), an

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antenna needs to be installed for uploading the information to the satellite which is transmitted to the remote site, and, receive the transmitted data which is transmitted as airwaves from the satellite.

Gorthala does not disclose an advertisement stored as a digital file. Gabbard teaches that the advertisement file itself is often a graphical file [col. 10, lines 34 – 35]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the advertisement as a digital file to be able to electronically transmit the advertisement to the remote location over the communication network.

Gorthala does not disclose digital file is uploaded to said main computer through said global computer network. However, Gorthala discloses that remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking [col. 4, lines 20 – 23]. Albert teaches that the control system 1008 functions as a user interface that permits the user to design, author, test, collaborate, approve and/or transmit images and commands that are sent to the display receivers. In still another embodiment, the control system 1008 functions as a data transmission system that pre-processes data into a format suitable for the data receivers or subsets thereof, transmits the data by the method necessary or most suitable for each data receiver, schedules the transmission of the data according to desired criteria, verifies that the data was properly sent, receives and processes any information uploaded from the data receivers 1006, resends messages that may not have been received, generates reports of such activities, and/or generates messages to field personnel

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indicating potential service requirements [col. 19, line 54 – col. 20, line 16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that in Gorthala, digital file is transmitted as a signal to the remote device (billboard) to be able to control the billboard from a remote (control center) location.

Gorthala does not disclose purchasing amount of advertising time. Official notice it taken that it have been obvious to one of ordinary skill in the art at the time the invention was made the business purchase advertising time from the advertising company to display their (business) advertisement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a business will purchase a timeslot from the advertising company to display business's advertisement. For example, advertisement seen at a sporting event.

Gorthala does not disclose transmission of the presentation material to the billboard. Stone teaches that its Presentation Generation Program either transmits the presentation to the appropriate destination or holds it for a publication date (time purchased by the business) to be submitted for a particular deadline or predetermined promotional market [col. 3, lines 31 – 34]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit presentation material to the billboard to display the advertisement, complete the transaction and bill the customer for services rendered.

Gorthala in view of Gabbard, Stone and Albert does not teach an access purchase system that provides a table of billboard information, said table of billboard information includes a listing of available locations, a listing of available time periods,

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and a listing of prices, said access purchase system searches a database to determine if said electronic billboard is available to display said advertisement at a requested location and a requested time. However, Cummings teaches an access purchase system that provides a table of billboard information (extranet-compatible 24-hour appointment scheduling interface for making such appointments), said table of billboard information includes a listing of available locations, a listing of available time periods said access purchase system searches a database to determine if said electronic billboard is available to display said advertisement at a requested location and a requested time. (displays the appointment times and dates for all physicians on the system, i.e., showing those times when these physicians are willing to accept tentative appointment bookings) [abstract, col. 7, line 65 – col. 8, line 10]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gorthala in view of Gabbard, Stone and Albert as taught by Cummings to inform the user the availability schedule of the resources.

Gorthala in view of Gabbard, Stone, Albert and Cummings does not teach to display listing of prices. However, Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that it is a business choice to decide whether to display price list along with the availability information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gorthala in view of Gabbard and Cummings and display price list to the customer to inform the customer of the variable price list.

Regarding claim 2, Gorthala discloses Remote operation can be achieved through a telephone modem line, radiowave/microwave communication or digital satellite linking. Official notice it taken that in order for Gorthala to use satellite linking, Gorthala system will require to communicate with a satellite for information exchange, and, in communication through a satellite, information is uploaded to the satellite (satellite receives said digital file from said communication server) and transmits received information (digital file) to the receiving destination (billboard) through the antenna capable of communicating with the satellite.

Regarding claims 3 – 5, neither Gorthala does not discloses the display to be electroluminescent display, liquid crystal display or a light emitting diode display (CRT). Albert teaches that Emissive electroluminescent films and organic light emitting diode films can be deposited on flexible substrates to create flexible displays [col. 1, lines 63 – 67], and, The electronic display 1004 can operate by principles known to the art of LCDs, plasma displays, CRTs, electrophoretic displays or encapsulated electrophoretic displays [col. 19, lines 19 – 22]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support plurality of display types to make the system and method adaptable to customer billboard advertisement environment.



Regarding claim 6, Gorthala does not disclose web-site contained on main computer (web server) accessible on said global computer network (world wide web). Albert teaches the control system (server) 1008 functions as a user interface that permits the user to design, author, test, collaborate, approve and/or transmit images and commands that are sent to the display receivers [col. 19, lines 55 – 60]. The control system may utilize the Internet or the World Wide Web as a user interface, as a data transmission mechanism, as an error-checking protocol, as a messaging service, as a programming environment or in any suitable fashion [col. 20, lines 17 – 21]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the server accessible over the internet to save on communication network implementation costs by using the readily available network like internet for communication.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorthala US Patent 6,189,246 in view of Gabbard et al. US Patent 6,205,432 hereinafter known as Gabbard, and further in view of Albert et al. US Patent 6,252,564 hereinafter known as Albert and Stone et al. US Patent 6,446,045 hereinafter known as Stone, Cummings et al. US Patent 6,345,260 hereinafter known as Cummings and Phylaw US Patent 6,622,165.

Regarding claim 10, Gorthala in view Gabbard, Stone, Albert and Cumming does not teach an upload database, said access purchase system provides an upload code for said digital file when said advertisement is purchased (database of valid unique codes for identification of resources), said main computer accesses said upload database to determine if said upload code is acceptable, said main computer transfers said digital file to said communications system when said upload code is verified. However, Phylaw teach an upload database, said access purchase system provides an upload code for said digital file when said advertisement is purchased, said main computer accesses said upload database to determine if said upload code <provided by the user> is acceptable, said main computer transfers said digital file to said communications system when said upload code is verified (The unique code is stored in a database and routing information over the global communication network to a defined location on the global communication network for the source associated with the unique code in the database) [abstract]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Garthala in view of Gabbard, Stone, Albert and Cummings as taught by Phylaw to identify the correct advertisement for the presentation to the targeted audience.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Landsman et al. US Patent 6,314,451

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

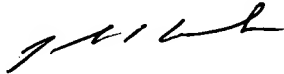
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Naresh Vig  
May 10, 2004



JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600